

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHELLE A LeBARRON,

Plaintiff,

v.

1:13-CV-1572
(GTS/CFH)

WARREN COUNTY SHERIFF'S OFFICE;
NATHAN H. YORK; JAMES A. LAFARR; and
MARLO BARBOZA,

Defendants.

APPEARANCES:

OF COUNSEL:

MICHELLE A. LeBARRON

Plaintiff, *Pro Se*

P.O. Box 1486

5 Mast Court

Berlin, Maryland 21811

LEMIRE, JOHNSON & HIGGINS, LLC

Counsel for Defendants

P.O. Box 2485

2534 Route 9

Malta, New York 12020

GREGG T. JOHNSON, ESQ.

BRADLEY J. STEVENS, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* employment discrimination action filed by Michele LeBarron ("Plaintiff") against the Warren County Sheriff's Office and three of its employees ("Defendants") arising from Plaintiff's termination as a corrections officer in July 2011, are the following: (1) Defendants' motion to dismiss Plaintiff's Complaint for failure to prosecute and/or comply with a Court Order pursuant to Fed. R. Civ. P. 41(b) and/or as a sanction for failure to appear at her deposition and failure to comply with a Court Order pursuant

Fed. R. Civ. P. 37(b),(d); and (2) United States Magistrate Judge Christian F. Hummel's Report-Recommendation recommending that Defendants' motion be granted. (Dkt. Nos. 46, 53.) None of the parties have filed objections to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendants' motion is granted, and Plaintiff's Complaint is dismissed in its entirety.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 57) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

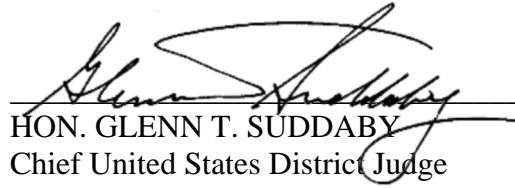
ORDERED that Defendants' motion to dismiss (Dkt. No. 50) is **GRANTED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

ORDERED that the Clerk of the Court shall enter Judgment for Defendants and close this action.

Dated: May 6, 2016
Syracuse, New York



HON. GLENN T. SUDDABY
Chief United States District Judge